

Appl. No. : 10/729,026
Filed : 12/5/2003

REMARKS

By way of summary, Claims 7 and 9-32 were pending in this application. Claims 11, 12, 14, 26, and 27 have been canceled. Claims 10, 13, 24, 25, 28, 29, 31, and 32 have been amended. New dependent Claims 33-66 have been added. Accordingly, Claims 7, 9-10, 13, 14-25, and 28-66 are pending for consideration. No new matter has been inserted through these claim amendments.

Allowed Claims

Applicants note that Examiner has allowed Claims 7, 9, and 15-23.

Allowable Subject Matter

Examiner objected to Claims 10, 13, 24, 25, and 28-31 as being dependent on rejected base claims but indicated these claims would be allowable if rewritten in independent form. Applicants have amended Claims 10, 13, 24, 25, 28, 29, and 31 to include all of the limitations of the base claim and any intervening claims. Thus, these claims are allowable at least for this reason. Claim 30 depends from Claim 29 and is allowable for at least the reasons that Claim 29 is allowable. Therefore, Applicants submit that Claims 10, 13, 24, 25, and 28-31 are in condition for allowance.

Claim Rejections

The Examiner rejected Claims 11, 12, and 32 under 35 U.S.C. § 102(b) as being anticipated by the Verkerke et al article: "The PUCA Pump: A Left Ventricular Assist Device." The Examiner rejected Claims 14, 26, and 27 under 35 U.S.C. § 102(b) as being anticipated by the Ide et al article "Hemodynamic Evaluation of a New Left Ventricular Assist Device: An Integrated Cardioassist Catheter as a Pulsatile Left Ventricle-Femoral Artery Bypass." Applicants have canceled Claims 11, 12, 14, 26, 27, and 32 without prejudice. Therefore, Applicants submit that Examiner's rejections of these claims are now moot and should be withdrawn.

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New Claims Depend From Other Allowable Claims

New Claims 33-66 have been added to further claim the invention. These claims depend from allowable claims discussed above. Thus, these claims are allowable at least for the same reasons that the claims from which they depend are allowable.

CONCLUSION

Applicants respectfully traverse the Examiner's rejections and the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance, and Applicants respectfully request that a Notice of Allowance be issued at the earliest opportunity.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 

Andrew M. Douglas
Registration No. 51,212
Attorney of Record
Customer No. 20,995
(949) 760-0404

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